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Commissioner for Patents
P.O. Box 1450
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On May 28, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Kim L. McNeill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Keith Lurie

Application No.: 09/967,029

Filed: September 28, 2001

For: SYSTEMS AND METHODS TO
FACILITATE THE DELIVERY OF
DRUGS

Examiner: Patel, Mital B.

Art Unit: 3761

DECLARATION UNDER 37 C.F.R. 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Wolfgang Voelckel, being duly warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. §1001, and that they may jeopardize the validity of the referenced patent application or any patent issuing thereon, declare and state as follows:

1. All statements herein made of my own knowledge are true and statements made on information or belief are believed to be true.

2. I have read U.S. Pat. Appl. No. 09/967,029, on which I am named as joint inventor with Keith G. Lurie, both as originally filed and as amended pursuant to an Amendment filed December 10, 2002 and pursuant to an Amendment to be filed concurrently with this Declaration.

3. I have read the Office Action mailed from the U.S. Patent and Trademark Office on February 28, 2003 for U.S. Pat. Appl. No. 09/967,029.

4. I am familiar with the contributions of each of the named coinventors to the matter disclosed in U.S. Pat. No. 6,463,327, on which I am named as a coinventor together with Keith G. Lurie, Todd M. Zielinski, Robert Patterson, Nemer Samniah, Scott McKnite, and Karl Lindner.

5. I make no determination or admission that any specific limitation of the claims pending in U.S. Pat. Appl. No. 09/967,029 is disclosed in U.S. Pat. No. 6,463,327. However, to the extent such limitations are disclosed in U.S. Pat. No. 6,463,327, I declare unequivocally that Keith G. Lurie and I are the only inventors of the combination of:

coupling a valve system to the patient's airway, wherein the valve system is configured to prevent or impede respiratory gases from flowing into the lungs until a magnitude of a threshold negative intrathoracic pressure in the range from about 0 cm H₂O to about 40 cm H₂O is exceeded;
introducing a drug into the patient; and

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lowering the intrathoracic pressure using the valve system to cause blood to flow into the thorax and thereby increasing vital organ perfusion to enhance the circulation of the drug.

6. I also declare that Keith G. Lurie and I are the only inventors of each dependent claim pending in U.S. Pat. Appl. No. 09/967,029.

Dated: May 28, 2003

Wolfgang Voelckel

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